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PATENT APPLICATION  
Docket No: 15892.14

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
)  
Andrew Nicholas Dames )  
)  
Serial No.: 10/565,026 ) Art Unit  
) 2612  
Filed: January 18, 2006 )  
)  
Confirmation No.: 9003 )  
)  
For: OPTICAL ELEMENT POSITIONING DEVICE )

### TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ☒ Statement of relevance of selected cited references not in the English language which are not translated.
- ☐ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ☐ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 6 references submitted for consideration.
- ☒ A copy of 4 Non-US references listed on the Form PTO-1449.
- ☐ English translations of \_\_\_\_ (\_\_\_\_) of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
  - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
  - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
  - ☐ Promptness Certification; or
  - ☐ Check No. \_\_\_\_\_ in the amount of \_\_\_\_ constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
  - ☐ Promptness Certificate;
  - ☐ Petition for Consideration; and

- \_\_\_ Check No. in the amount of \_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- IV. \_\_\_ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
- \_\_\_ Petition to Withdraw from Issue; and
- \_\_\_ Check No. \_\_\_ in the amount of \_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

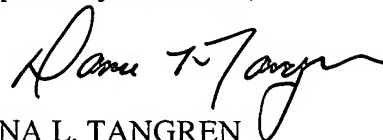
C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

- X Any fee required in relation to filing of this letter or any documents transmitted therewith.
- \_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).
- \_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p).
- \_\_\_ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 15<sup>th</sup> day of November 2006.

Respectfully submitted,



DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
Telephone No. 801.533.9800



PATENT APPLICATION  
Docket No: 15892.14

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For: OPTICAL ELEMENT POSITIONING DEVICE )

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the 15<sup>th</sup> day of November 2006.

- Transmittal for Information Disclosure Statement (3 pages)
- Information Disclosure Statement (2 pages)
- Form PTO-1449 listing 6 references (2 pages)
- A copy of 4 Non-US references listed on the Form PTO-1449
- Postcard

Respectfully submitted,

DANA L. TANGREN  
Attorney for Applicant  
Registration No. 37,246  
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PATENT APPLICATION

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 For: OPTICAL ELEMENT POSITIONING DEVICE )

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof that is not a US patent document is also enclosed.

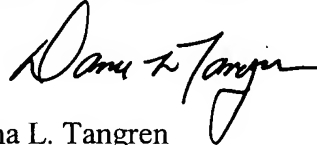
Statement of Relevance of References Listed  
Unaccompanied by English Translation  
Under 37 CFR § 1.98(a)(3)

In accordance with 37 CFR § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided.

German Application No. DE 38 33 260 A1: A light-deflecting device whose moving system has a lower mass moment of inertia in addition to a defined zero position and requires little drive powers, in which the drive system is identical with the mirror-guiding system, is implemented by providing a combination of piezo-electrical bending strips which are connected to each other in the shape of a flexural pivot, the mirror being connected to the flexural pivot. Use in optical scanner microscopes.

Dated this 15<sup>th</sup> day of November 2006.

Respectfully submitted,



Dana L. Tangren  
Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
Telephone No. 801.533.9800

Applicant: Andrew Nicholas Dames  
 Serial No.: 10/565,026  
 Filing Date: January 18, 2006  
 For: OPTICAL ELEMENTS POSITIONING DEVICES

Confirmation No.: 9003  
 Att'y Docket No.: 15892.14  
 Art Unit: 2612



INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
____ 1	5,159,225	10/27/1992	Um
____ 2	6,059,250	05/09/2000	Reuter et al.

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>	<u>Translation</u>
____ 3	DE 38 33 260 A1	06/15/1989	Germany	No
____ 4	WO 98/047035	10/22/1998	PCT	N/A
____ 5	WO 01/050176 A1	07/12/2001	PCT	N/A
____ 6	WO 03/104872 A1	12/18/2003	PCT	N/A

Other Documents

(including author, title, pertinent pages, etc.)

Examiner  
Initial\*

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Andrew Nicholas Dames  
Serial No.: 10/565,026  
Filing Date: January 18, 2006  
For: OPTICAL ELEMENTS POSITIONING DEVICES

Confirmation No.: 9003  
Att'y Docket No.: 15892.14  
Art Unit: 2612

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### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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